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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GRICELDA GAMBOA, et al.,

Plaintiff(s),

v.

U.S.A. CYCLING, INC., et al.,

Defendant(s).

2:13-CV-598 JCM (PAL)

ORDER

Presently before the court is s motion for leave to file third-party complaint by defendants U.S.A. Cycling, Inc., USA Cycling Development Foundation, Michael L. Olsen, and MLO Enterprises, LLC. (Doc. #37). Plaintiffs did not file an opposition.

The defendants seek to file a third-party complaint which will assert claims for indemnity and contribution against “Ronald Miller.” (Doc. #37).


Pursuant to Federal Rule of Civil Procedure 14(a)(1), a defending party may serve a summons and complaint on a non-party who is or may be liable to it for all or part of the claim against it. FED. R. CIV. P. 14(a)(1). However, “the third-party plaintiff must, by motion, obtain the court’s leave if it files the third-party complaint more than 14 days after serving its original answer.” *Id.* The purpose of this rule is “to promote judicial efficiency by eliminating the necessity for the defendant to bring a separate action against a third individual who may be secondarily or derivatively liable to the defendant for all or part of the plaintiff’s original claim.” *Southwest Administrators, Inc. v. Rozay’s Transfer*, 791 F.2d 769, 777 (9th Cir. 1986). The decision whether to implead a

1 third-party defendant is at the sound discretion of the trial court. *Id.*

2 Good cause appearing, and there being no opposition,

3 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants' motion for
4 leave to file third-party complaint (doc. #37) be, and the same hereby is, GRANTED. Defendant
5 shall file the proposed third-party complaint within 14 days of entry of this order.

6 DATED September 10, 2013.

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9 **UNITED STATES DISTRICT JUDGE**